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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,774	11/10/2003	James M. Cleland	CLELS.66181	4376

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EXAMINER

TANNER, HARRY B

ART UNIT PAPER NUMBER

3744

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/705,774	Applicant(s) CLELAND, JAMES M. ed	
	Examiner Harry B. Tanner	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: ____ | 6) <input type="checkbox"/> Other: ____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagliano in view of Schroeder, Jr. Gagliano discloses a beverage dispensing cooling system having a cold plate 34 in heat exchange with the evaporator of a refrigeration system having a compressor 82, condenser 84, capillary-tube 86, pressure regulator controlling flow through a bypass 98 from the high side to the evaporator and an evaporator pressure regulator 96 controlling the pressure of the evaporator. Gagliano does not show an accumulator or a refrigerant receiver. These are conventional elements of a refrigeration system as shown by 59 and 29 of Schroeder. Schroeder further shows that the use of a thermal expansion valve 15 is well known means of control of the flow of refrigerant to the evaporator. Accordingly, it would have been obvious to one of ordinary skill in the art to have modified the system of Gagliano to include an accumulator and a refrigerant receiver and to have replaced the capillary tube 86 with a thermal expansion valve in view of the teachings of Schroeder.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagliano in view of Schroeder, Jr as applied to claim 1 above, and further in view of Kramer. Kramer teaches the use of a suction line pressure switch to control the starting and stopping of the compressor of a refrigeration system in order to provide accurate temperature control. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to have modified the system of Gagliano to include an suction line pressure switch to control the starting and stopping of the compressor in order to provide accurate temperature control in view of the teachings of Kramer.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gagliano in view of Schroeder, Jr and Kramer as applied to claim 3 above, and further in view of Pinckaers. Pinckaers teaches the use of a time delay before a compressor can be restarted after it has been stopped in order to prevent damage to the compressor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Gagliano to include use of a time delay before the compressor can be restarted after it has been stopped in order to prevent damage to the compressor in view of the teachings of Pinckaers.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gagliano in view of Schroeder, Jr as applied to claim 1 above, and further in view of Brandin et al. Brandin teaches the use of a bypass circuit in order to prevent freezing of a cooled liquid (see col. 2, lines 16-24). Accordingly, it would have been obvious to one of ordinary skill in the art to have modified the system of Gagliano to include use of a bypass circuit in order to prevent freezing of the cooled liquid in view of the teachings of Brandin.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagliano in view of Schroeder, Jr as applied to claim 1 above, and further in view of Hassell et al. Hassell teaches dividing a cooled liquid coil into plural coils in order to increase the heat exchange surface (see 40 of Figure 2). It would have been obvious

to one of ordinary skill in the art to have modified the system of Gagliano to include dividing the cooled liquid coil into plural coils in order to increase the heat exchange surface in view of the teachings of Hassell. The number of times the coil is divided into more coil elements is considered to have been an obvious matter of engineering design based upon the size of the system and the amount of liquid being cooled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry B. Tanner whose telephone number is (571) 272-4813. The examiner can normally be reached 8:30 am to 6:00 pm Monday, Tuesday, Wednesday and Friday and 2:00 pm to 6:00 pm Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel, can be reached on (571) 272-4808. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Harry B. Tanner
Primary Examiner
Art Unit 3744